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## REPORT TO THE MINISTRY OF THE ATTORNEY GENERAL

### MAKING ACCESSIBILITY WORK IN THE WORKPLACE:

#### REPORT ON THE MAG FOCUS

#### GROUPS WITH EMPLOYEES WITH DISABILITIES

July 19, 2013

Ministry of the Attorney General

Corporate Services Management Division

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Ministry of the Attorney General  
Corporate Services Management Division

INTRODUCED  
BY  
THE  
HAROLD WADDELL

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July 19, 2013

**TO:** All Staff

**FROM:** Dante Pontone, CAO/ADAG, Corporate Services Division  
Executive Champion, Accessibility & Inclusion

**SUBJECT:** Report on the MAG Focus Groups with Employees with Disabilities

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As the Ministry's Executive Champion on Accessibility for people with disabilities, I am writing to update all staff on the results of the focus groups for employees with disabilities that were coordinated by the HR Strategic Business Unit, on behalf of the ministry, in late 2012.

The focus groups with employees with disabilities was organized in response to the findings of the 2011 Employee Engagement Survey which showed that MAG employees with disabilities were less engaged, experienced workplace discrimination or harassment, and reported feeling higher levels of stress, anxiety and isolation at work than other ministry employees. Forty-one (41) employees participated in the focus groups and identified a range of issues and recommendations. For more information, please see the [Report of the MAG Focus Groups for Employees with Disabilities](#).

### **Ministry Approach**

Our ministry will take a two-phased approach to address the issues and recommendations raised in the report. We will move quickly to implement some of the recommendations (Phase 1) and will need to take the time to find the best ways to address the more complex issues through research and further consultation with employees with disabilities and with OPS corporate services (Phase 2).

I also want to reiterate the collective responsibility that all of us have to ensure that our colleagues with disabilities can fully participate in the workplace, use workplace services and benefit from opportunities in an equal manner. It is also critical for managers to know the importance of accommodating employees with disabilities in a timely, comprehensive, and effective manner.

## Next Steps

1. To support our managers' capacity in addressing accessibility and employment accommodations matters, I will be asking the HR Strategic Business Unit (SBU) to:
  - Remind all managers of the OPS resources available to support them in addressing accessibility and employment accommodation matters
  - Identify a contact point within the SBU for managers to contact if they require further assistance and support.
2. The ministry, through CBRE, currently has a system in place for employees to report damaged or accessibility features that require maintenance. If you encounter or identify accessibility issues in the workplace for you or others, such as a broken door opener, please call CBRE Property Services at 1-877-590-5090 or email them at [orcpropertyservices@cbre.com](mailto:orcpropertyservices@cbre.com). Alternatively, you can also notify your manager who can contact CBRE directly. If you are uncomfortable raising an issue directly, you can use the [MAGAccessibility@Ontario.ca](mailto:MAGAccessibility@Ontario.ca) email box, hosted by the ministry Accessibility Office, to identify any accessibility issues that impact on employees or the public with disabilities. If you wish to remain anonymous, please identify this in your email and the Accessibility team will remove your name before forwarding the issue for resolution.
3. There was also a recommendation to make further information on the 2006 Weiler Report - [Making Ontario's Courts Fully Accessible to Persons with Disabilities](#) available. This report provides recommendations on making our courthouses accessible to persons with disabilities. Updates on the ministry's activities can be found in our annual [Accessibility plan](#).
4. In response to the report's recommendation around the Ministry's service and procurement contracts, we will be reviewing our purchases and contracts to ensure that accessibility is considered in all new procurements. If an employee or manager encounters a product or service that is new and not accessible to people with disabilities, please identify this to your supervisor or manager who can in turn identify the issue to their procurement contact.
5. Our Strategic Business Unit will also be developing options for the delivery of training for MAG managers on Workplace Discrimination and Harassment Prevention.

I will provide further update as we progress on these activities and other issues mentioned in the report **in six months**. If you have further recommendations on how MAG can improve accessibility for employees or the public with disabilities, please send them to the [MAGAccessibility@ontario.ca](mailto:MAGAccessibility@ontario.ca) email.

Sincerely,

*Original signed by:*

Dante Pontone, CAO/ADAG, Executive Lead for Diversity, Inclusion, and Accessibility.

# Report to Ministry of the Attorney General

## (Making Accessibility Work in the Workplace)

### **Purpose of the Report**

As the Facilitator I was asked to lead three focus group sessions and have four one-on-one discussions with particular employees that were not able to participate in the focus groups. The following issues were discussed:

1. The 2011 Ministry Employee Engagement Survey results
2. Removal of barriers for employees with disabilities in the workplace
3. How to move the Ministry forward on accessibility and accommodation issues for employees with disabilities
4. Attitudinal issues and barriers that may exist in the Ministry

The Report will provide decision-makers at the Ministry the opportunity to address these issues. The recommendations and other materials have been approved by employees with disabilities from the Ministry and affiliated Crown agencies who accepted invitations to attend one of the focus group sessions or had a one-on-one discussion with the Facilitator.

I also had the opportunity at the request of a member of the Ministry's Management Team to have a discussion with them regarding the process and how their employees could be involved with the consultation process and the development of recommendations. As the Facilitator I appreciated the opportunity to engage in this discussion.

In order to permit employees to participate without fear of retribution in exploring the issues and concerns raised during the focus group sessions; participants were able to contact me at my home email address.

The Ontario Government is bound by the Charter of Rights and the Ontario Human Rights Code to provide a barrier-free workplace for employees with disabilities. As the Facilitator this was my baseline for the current practice in the Ontario Public Sector (OPS) as well as the Ministry.

### **Analysis of 2011 Employee Engagement Survey**

#### **The Numbers**

The data indicates that a large number of employees who have identified themselves as employees with disabilities are dissatisfied in their current role with the Ministry. These employees have also indicated that they feel they do not have the support of their manager or supervisor. In some cases these employees have also indicated they do not feel supported by their fellow employees. Roughly, there is a



greater than 10% variance for employees with disabilities who are dissatisfied with their current assignment or relationship with their manager, supervisor or colleagues. Employees with disabilities have expressed that they believe in most cases these issues are directly linked to their disabilities.

## **Behind the Numbers**

After consulting with the employees it is evident that many felt their disabilities and the perceptions that other people have towards people with disabilities has had a negative impact on their careers. The current working relationship with some managers, supervisors and colleagues remains poor. This was a central theme during the consultations.

## **Consultation Process**

It was agreed that the Facilitation Team would hold three separate focus groups over a two-week period. The focus group sessions were held on October 19, 23 and 26, 2012. Approximately 30 employees with disabilities took part in the sessions. The sessions were conducted with the assurance that names and office locations of employees would not be used to identify specific comments with individual employees. As the Facilitator I also conducted one-on-one phone meetings with various employees. All views were given equal consideration and weight by the Facilitation Team.

As the Facilitator my role was also to encourage employees to have ongoing dialogue with their manager or supervisor regarding issues not only about disability but accommodations as well. Having an open and healthy dialogue in this regard can only be good for the Ministry as an organization. But again, I would not recommend disclosure by any employee in this regard in an environment that is not comfortable or supportive may lead to confrontations in the workplace. I also felt the importance to let employees own the recommendations within the Report. The employees really made this process work, they want the Ministry and the OPS to succeed. Most importantly they want to share in that success.

All employees involved with this process were requested to fill out a gaps analysis document provided by the Facilitator in order to engage in these discussions.

## **Recommendation Methodology**

There are 15 recommendations outlined in the Report. The recommendations have been developed to address potential gaps or barriers that have been identified in current Ministry policies and procedures pertaining to accommodation or accessibility issues, education and communication within the Ministry. These recommendations have also been reviewed and approved by employees engaged in the consultation process.

## **Additional Research**

In the course of developing this Report I have also reviewed the Ministry's Intranet Page and the 2011-12 Ministry Accessibility Plan. The Accessibility Plan is attached as an appendix.

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## **Observations**

First and foremost the Facilitation Team recognized during this process that all employees within the Ministry are committed to the organization and the OPS. The Facilitation Team also appreciates the willingness of the Senior Management Team to seek out these recommendations and hopefully maintain an ongoing dialogue about disability and accommodation issues in the workplace.

The Facilitation Team is very grateful to have so many employees step forward and express their views regarding issues related to accessibility, accommodation and interpersonal relationships within the Ministry. We also recognize that this was a very difficult process for many employees and we wish to thank all employees for their honesty and recommendations regarding these issues.



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## **Attitudinal Issues**

An issue which is difficult to address occurred during the consultation process. Many employees stated they were reluctant to disclose their disabilities to their manager or supervisor out of fear that admitting to having a disability would diminish their status in the workplace. Another issue which may be out of the Ministry's scope or purview is the perception some employees have towards the various bargaining agents within the OPS. Employees expressed concern that their bargaining agent was unwilling or unable to assist them in matters of accessibility and accommodation. This perception fosters a belief that an employee with a disability is unable to rely on anyone else for these issues and it threatens to isolate them to a greater extent in the workplace. The Facilitation Team and the employees do not have a specific recommendation regarding this issue however, we wanted the Ministry as the employer to be aware of these concerns.

As the Facilitator and an OPS employee with a disability, I understand and respect the concerns raised regarding this issue. It is a personal decision to disclose the potential impact a disability may have on the workplace or the potential impact accommodation may have on fellow employees.

One of the primary concerns raised by employees was the treatment of employees that have mental health disabilities. Some employees face these challenges daily and have been able to cope with these specific disabilities. Other employees with other types of disabilities may also suffer from depression or anxiety because of issues they are facing in the workplace. The Facilitation Team urges the Ministry to remind all employees that mental health issues are serious and should be dealt with privately, compassionately and with ongoing communication between the employee and their manager or supervisor.

Many employees stated that they enjoy their work but did feel isolated in the workplace. Specific concerns centered on the lack of meaningful work; the ability to work with others on specialized or important projects and having the trust of their managers and colleagues. Some employees indicated that specific work projects were taken away from them due to their specific disabilities and given to other employees to complete tasks or to take over the work completely. It should be noted that no managers or supervisors were interviewed or participated in the consultation process.

Many employees were quite clear with the Facilitation Team that they had experienced some type of direct or indirect discrimination during their career within the Ministry. Although this issue cannot be defended, the Facilitation Team has heard that many employees within the OPS who have disabilities have experienced some level of discrimination. The Facilitation Team does not believe the level of discrimination within the Ministry is greater than other areas of the OPS. Furthermore, the Team believes the Ministry as an organization tries to be equal and fair to all its employees.



However, at the same time employees have personal relationships with their manager, supervisor or colleagues that may detract from the standards and obligations established by the OPS and also the Ministry as a separate organization.

## **Accommodation Issues**

There does not appear to be a clear or uniform Ministry accommodation process for employees to ensure they have the right accommodation in order to succeed in the workplace. Many employees expressed concerns about having discussions with their manager or supervisor regarding their individual accommodation needs. Furthermore, several employees identified themselves as employees with hidden disabilities. These individuals in many instances felt they could not approach their manager or supervisor to ask for individual accommodation to assist them in managing their responsibilities as employees.

The Facilitation Team heard that buildings operated by the Ministry, particularly courthouses, are older and accommodation issues for employees working in the courts specifically have been an issue for a significant amount of time. When conducting my research for this Report I discovered that the Ministry had already undergone a review in 2005 of court facilities for accessibility purposes.

The Weiler Report offered the Ministry examples of how to improve physical accessibility for persons with disabilities in the courts. Employees have indicated that they are not aware of any progress related to recommendations or findings that came out of this exercise.

Employees noted that regular maintenance for accessible features within buildings and other facilities are not maintained. For example, automatic doors are not fixed or maintained on a consistent basis. Employees mentioned that several buildings do not have full accessibility because of these issues.

## **Current OPS Policy Regarding Accommodation**

The Ministry of Government Services currently presides over the OPS Accessibility Fund. This fund is intended to allow front-line ministries to make accommodation purchases to meet the needs of employees with disabilities while maintaining operational accountability in the workplace.

Accommodations are not rewards, providing proper accommodation is a legal requirement under Ontario Human Rights Code. The Government of Ontario is also an employer and is subject to the same requirements as any other employer in this regard. Under the Human Rights Code the Provincial Government has a duty to accommodate up to undue hardship.

The Ontario Public Service currently has an Accommodation Fund managed by the MGS. This Fund has just under \$1 million to provide various accommodation needs and requirements for employees with disabilities.

### **1. Recommendation**



The Ministry hire an Accessibility/Accommodation Facilitator who would work collaboratively with an individual employee and their manager or supervisor to ensure that all the accommodation requirements for the employee are met and are adhered to under the guidelines and principles established by the OPS and the Ontario Human Rights Commission. Furthermore, for this position the Ministry should hire or retain an outside consultant as the Accessibility/Accommodation Facilitator so they may work outside of the normal hierarchy to facilitate these discussions.

## **Rationale**

During the consultation process many employees expressed concerns regarding accommodation requirements and discussing their disabilities openly with their managers or supervisors. The Accessibility/Accommodation Facilitator would allow these discussions to occur in a positive, nonthreatening and collaborative way that will assist the employee to achieve their personal career goals. The Accessibility/Accommodation Facilitator will also assist the Management Team in ensuring that the Ministry meets its objectives as an organization.

If this position is created or retained, all employees within the Ministry should have equal access to the Accessibility/Accommodation Facilitator.

## **2. Recommendation**

It is recommended that the Ministry establish on its intranet page an area where employees, regardless of their location can report damaged or accessibility features such as automatic doors that require maintenance. This particular intranet page should be monitored daily and reports submitted to the proper facility manager to resolve issues as soon as possible. Furthermore, a report should be submitted on the Internet page when the repair or maintenance is completed.

## **Rationale**

During the consultation process employees expressed concerns on how to communicate to have repairs made to facilities in relation to accommodation issues. Allowing employees to report broken accommodation features at all facility operated by the Ministry or Crown agency would demonstrate a further commitment to accessibility.

## **3. Recommendation**

The Ministry appoint an Accessibility Lead at the Assistant Deputy Minister level to oversee the accommodation policy and process within the Ministry and provide an annual report to the Accessibility Executive Steering Committee. This report should also be placed in the Ministry's Annual Accessibility Plan as well.

## **Rationale**



It is critical for an organization to demonstrate leadership particularly when it comes to treating all employees fairly and equitably. Having an ADM lead would demonstrate the Ministry's commitment not only to accessibility but to employees with disabilities. This recommendation should not diminish from the work and continuous commitment of the Accessibility Executive Steering Committee. Having an ADM take the lead and responsibility will send a positive signal to all parties involved with this process.

#### **4. Recommendation**

The Ministry update employees from across the Ministry and Crown agencies on the status of the 2005 Weiler Report and that an update be placed in the 2013 Ministry Accessibility Plan with direct requirements for the Ministry's Facilities Management Branch to report on progress or outcomes achieved at all Ministry facilities. It is further recommended that the Facilities Management Branch hire or contract out an accessibility design professional to assist in future design and redesign projects at current and future court facilities.

#### **Rationale**

In 2005, the Honourable R. Roy McMurtry, Chief Justice of Ontario, appointed an advisory committee to review courthouses and other court facilities to ensure accessibility barriers were being addressed in a comprehensive and thoughtful way. It is critical that all public agencies, particularly front-line ministries, demonstrate their commitment not only to accommodation issues but the judicious spending of public money as well. The Weiler Report provided recommendations that not only focused on direct accessibility issues but also education for Judges, Attorneys and other court employees on the importance of understanding disability issues particularly in relation to communicating rights and obligations that people with disabilities have as citizens and employees in the legal system.

During the consultation process employees wanted an update on this particular report and were eager to see if the report was implemented.

#### **5. Recommendation**

In order to address accommodation needs of employees in the legal system it is recommended that employees be given the same access to Ministry resources such as closed captioning services that are provided to citizens who are deaf or hard of hearing. It is further recommended that the Ministry impose strict timelines on the procurement of accommodation needs for these employees.

#### **Rationale**

Several employees emphasized that failing to provide them with the proper accommodations may lead to not meeting the needs of clients regarding trial accountability and transparency to the public within the legal system. If an attorney is unable to represent the Crown or an individual client this may have larger implications. Once accommodation needs have been verified and an adequate solution has been determined. The accommodation must be provided with as few delays as possible. Currently, the



Ministry offers close captioning services to outside attorneys and persons with disabilities involved in court proceedings. Since the Ministry already offers these services to outside counsel and members of the public it is reasonable to assume that these services can be extended to employees. Employees are encouraged to work with their manager or supervisor to address these issues using the OPS Accommodation Fund.

## **6. Recommendation**

It is recommended, that a list of available accommodations for all employees be listed on the Ministry's Intranet page.

### **Rationale**

This would allow employees, particularly in the courts, to be able to communicate with other employees that can provide accommodations like closed captioning or other devices. It is further recommended that names, e-mail addresses and telephone numbers be provided on the Intranet page for every accommodation expert responsible for a particular building or courthouse operated by Ministry. It is also recommended that the Ministry's Accessibility Executive Steering Committee take the role ensuring accommodation needs are met by managing this process.

## **Adaptive Equipment and Built Environment Barriers within the Ministry**

It was identified that open workspaces present significant challenges to employees with hearing disabilities because the background office noise makes it difficult for them to focus on a particular conversation or assignment. Also it was identified that other employees using adaptive equipment find the equipment may not function properly if background noise is present.

Further, many employees expressed concerns regarding a lack of knowledge and understanding about how to obtain or replace adaptive equipment. The problem is compounded by several employees that have indicated that direct managers were making decisions not to accommodate individual accommodation requests.

## **7. Recommendation**

That the Ministry consider reviewing all of its service and procurement contracts to ensure that software, services and equipment provided to employees to meet their accommodation requirements actually meet those requirements so that the employee can function at the same level as their colleagues.

### **Rationale**



During the consultation process employees suggested that their individual accommodation needs may not be the top priority within the organization. Employees must receive accommodation that not only addresses their individual needs but allows them to excel within the workplace.

## **Ontario Public Service Attendance Program**

This Program was designed to assist employees that have attendance issues and to address accommodation requirements as needed. Many employees with disabilities believe this Program unfairly targets them for being an employee with a disability.

Employees expressed serious concerns regarding how they have been treated when entering the Program or returning to work after a significant period of absence. Employees believe that they will not be permitted to work on important files or be promoted because of their involvement with this particular Program.

The Facilitation Team recognizes that the Ministry is not directly responsible for the Program. However, the Program can be made flexible to recognize and appreciate individual circumstances as those circumstances relate to employees with disabilities. Although the Program cannot be suspended for a particular employee, it can be modified to allow an employee to reach individual targets for days off work.

### **8. Recommendation**

It is recommended that managers and supervisors are properly informed of the flexibility within the Attendance Program to create the number of individual sick days an employee has under the Program. If a manager or supervisor believes the employee can benefit from having additional days allotted for absences the manager or supervisor is encouraged to make the necessary adjustments so that the Program addresses the operational needs of the office and the individual accommodation requirements of the employee.

### **Rationale**

Under the Ontario Human Rights Code this would be considered an accommodation for employees with disabilities. The accommodation does not alleviate the responsibility of an employee to participate in the Program. It does however recognize that certain accommodations for certain types of disabilities must be met. It also permits the manager, supervisor and employee to have ongoing discussions regarding accommodation requirements if an employee finds they have entered in the Program.

### **9. Recommendation**

Given the nature of the confidentiality concerns raised by employees regarding issues like return to work policies and long-term versus short-term disability requirements, the Facilitation Team



recommends that the Ministry request the Ministry of Government Services to better define the Attendance Program that highlights the roles and responsibilities of all parties. The Ministry should work with the Ministry of Government Services and specifically HR Ontario to develop a more open and accessible communication strategy to address specific issues around employees with disabilities. We would further recommend that HR Ontario develop and maintain a toolkit for managers and employees on how best to address these issues. We would also recommend that this information be shared with the various OPS bargaining agents.

### **Rationale**

It is in the best interest of all parties to operate the Attendance Program in an open and frank way regarding accommodation needs and operational requirements under short-term and long-term disability policies.

### **10. Recommendation**

It is recommended that once an employee returns to work after a significant absence that the manager or supervisor meet with the employee if their work or classification has been altered since their departure.

### **Rationale**

Some employees indicated during the consultation process that employees see this as a common practice in the Ministry and better communication on these issues would be appreciated. The employees and the Facilitation Team understand that management has the authority and the obligation to make these decisions to better reflect the operational requirements within a Branch, Division or the Ministry. The Facilitation Team would strongly urge the Ministry to recognize the emotional impact these changes potentially have on employees with disabilities.

### **Establishing a Policy for Doctor's Appointments within the Ministry**

During the consultation process several employees indicated the difficulties and barriers they face regularly regarding their ability to seek medical attention for various issues related to their disabilities. There does not appear to be a clear or comprehensive Ministry policy in place regarding how employees can attend appointments with their medical specialist during working hours. Many employees are required to take vacation days or sick time depending on the individual decisions made by their manager or supervisor. For many employees this has caused great concern because they are not always permitted to go to medical appointments for ongoing and chronic issues.

### **11. Recommendation**

The establishment of a Ministry Wide Medical Appointment Policy would be beneficial for every employee regardless if they have a disability or not. The following table provides a formula that might be beneficial to the Senior Management Group to consider:



## **Ministry Wide Medical Appointment Policy**

Appointment Lasting for One Hour plus reasonable traveling time to and from the appointment	Appointment Lasting for 2 to 3 Hours	Appointing Lasting for Three Hours or Greater
Provided operational requirements are maintained, no vacation or sick time will be deducted from the employee.	Provided operational requirements are maintained the employee requesting the time will work with their manager or supervisor to make up the time during a reasonable period. Or vacation or sick time may be deducted.	Provided operational requirements are maintained it will be at the discretion of the manager or supervisor working with the employee to determine how the time will be categorized.

It is further recommended that a working group be established to study a workable medical appointment policy within the Ministry. The working group should focus on not only workplace standards for medical appointments but on current collective agreements as well.

### **Rationale**

Employees are responsible to request time off from their manager or supervisor for medical appointments. The Ministry should also recognize from time to time medical appointments might be rescheduled or openings may occur. It is the responsibility of both the manager or supervisor and the employee to work together to resolve these issues. The Facilitation Team urges the Ministry to recognize the importance of medical appointments particularly for employees that have ongoing medical issues.

### **Training and Promotional Opportunities for Employees**

Employees indicated several gaps in how training is provided to employees with specific types of disabilities. For example, not all training tutorials offered on the Internet have closed captioning features, therefore employees with disabilities who rely on this particular accommodation would not have the opportunity to take the desired tutorial.

### **12. Recommendation**



That all forms of alternative formats for training tutorials be made available to all employees. Furthermore, the Ministry Human Resources Branch take on the responsibility of ensuring that alternative formats are available upon request. The Branch should also work with the Ministry of Government Services and HR Ontario to ensure that all training is fully accessible regardless of disability type. It is recommended that all employees complete an annual Performance and Training Plans. Performance plans must be reviewed and signed annually by the manager and/or supervisor.

## **Rationale**

Without proper training employees with disabilities will have greater difficulty managing their careers and developing opportunities within the organization. Performance and Training Plans are mandatory under OPS policies. Employees suggested during the consultation process that these plans were not conducted annually.

## **Hiring Practices**

Employees with the Ministry and the Facilitation Team are aware that the hiring practices of the Ministry are governed by OPS hiring policies. Several employees expressed concerns that the hiring process and practices that currently exist in the OPS may in fact establish barriers for persons with disabilities. Particularly, those employees with mental health disabilities, employees suggested it was difficult for them to succeed in the current interview process because their disabilities prevent them from demonstrating their skills and experience in the most positive light possible.

## **13. Recommendation**

That HR Ontario be informed of these issues and asked that research be conducted to see if there are methods of hiring that can be adapted to allow persons and employees with disabilities the opportunity to compete where their individual disabilities are not a factor in the hiring process. It is further recommended that all Senior Management Group (SMG) employees take specialized training on mental health illness in the workplace. Furthermore, all employees should have access to resources and mental health professionals to address ongoing issues. We further recommend that Ministry of Government Services review the hiring decisions of the Ministry to determine if employees with disabilities, particularly employees with mental health issues, have been denied advancement because of those issues.

## **Conclusion**

As the Facilitator my role was to engage employees who volunteered to take part in this process. This was a difficult and challenging process for many of the Ministry's employees because they were concerned primarily about confidentiality. My primary focus was to convince employees that this process was in fact an opportunity to engage in meaningful and hopefully ongoing discussions about how the Ministry as an organization can move forward.



The final two recommendations I would like to make directly:

The Ministry's Accessibility Plan should be a living document and allow employees to be involved in its development. The Plan should have an audit of all Ministry buildings and other facilities annually with the accessibility and accommodations reported on for every facility. The Plan should focus on the removal of barriers for employees with disabilities.

Finally, I would recommend that this Report be included in the 2013 Ministry Accessibility Plan.



## **List of Recommendations**

### **1. Recommendation**

The Ministry hire an Accessibility/Accommodation Facilitator who would work collaboratively with an individual employee and their manager or supervisor to ensure that all the accommodation requirements for the employee are met and are adhered to under the guidelines and principles established by the OPS and the Ontario Human Rights Commission. Furthermore, for this position the Ministry should hire or retain an outside consultant as the Accessibility/Accommodation Facilitator so they may work outside of the normal hierarchy to facilitate these discussions.

### **2. Recommendation**

It is recommended that the Ministry establish on its intranet page an area where employees, regardless of their location, can report damaged or accessibility features such as automatic doors that require maintenance. This particular intranet page should be monitored daily and reports submitted to the proper facility manager to resolve issues as soon as possible. Furthermore, a report should be submitted on the Internet page when the repair or maintenance is completed.

### **3. Recommendation**

The Ministry appoint an Accessibility Lead at the Assistant Deputy Minister level to oversee the accommodation policy and process within the Ministry and provide an annual report to the Accessibility Executive Steering Committee. This report should also be placed in the Ministry's Annual Accessibility Plan as well.

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The Ministry update employees from across the Ministry and Crown agencies on the status of the 2005 Weiler Report. It that the update be placed in the 2013 Ministry Accessibility Plan with direct requirements for the Ministry's Facilities Management Branch to report on progress or outcomes achieved at all Ministry facilities. It is further recommended that the Facilities Management Branch hire or contact an accessibility design professional to assist in future design and redesign projects at current and future court facilities.

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provided to citizens who are deaf or hard of hearing. It is further recommended that the Ministry impose strict timelines on the procurement of accommodation needs for these employees.

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It is recommended that managers and supervisors are properly informed of the flexibility within the Attendance Program to create the number of individual sick days an employee has under the Program. If a manager or supervisor believes the employee can benefit from having additional days allotted for absences the manager or supervisor is encouraged to make the necessary adjustments so that the Program addresses the operational needs of the office and the individual accommodation requirements of the employee.

## **9. Recommendation**

Given the nature of the confidentiality concerns raised by employees regarding issues like return to work policies and long-term versus short-term disability requirements, the Facilitation Team recommends that the Ministry request the Ministry of Government Services to better define the Attendance Program that highlights the roles and responsibilities of all parties. The Ministry should work with the Ministry of Government Services and specifically HR Ontario to develop a more open and accessible communication strategy to address specific issues around employees with disabilities. We would further recommend that HR Ontario develop and maintain a toolkit for managers and employees on how best to address these issues. We would also recommend that this information be shared with the various OPS bargaining agents.

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That all forms of alternative formats for training tutorials be made available to all employees. Furthermore, the Ministry Human Resources Branch take on the responsibility of ensuring that alternative formats are available upon request. The Branch should also work with the Ministry of Government Services and HR Ontario to ensure that all training is fully accessible regardless of disability type. It is recommended that all employees complete an annual Performance and Training Plans. Performance plans must be reviewed and signed annually by the manager and/or supervisor.

## **13. Recommendation**

That HR Ontario be informed of these issues and asked that research be conducted to see if there are methods of hiring that can be adapted to allow persons and employees with disabilities the opportunity to compete where their individual disabilities are not a factor in the hiring process. It is further recommended that all Senior Management Group (SMG) employees take specialized training on mental health illness in the workplace. Furthermore, all employees should have access to resources and mental health professionals to address ongoing issues. We further recommend that Ministry of Government Services review the hiring decisions of the Ministry to determine if employees with disabilities, particularly employees with mental health issues, have been denied advancement because of those issues.

## **Additional Recommendations**

The Ministry's Accessibility Plan should be a living document and allow employees to be involved in its development. The Plan should have an audit of all Ministry buildings and other facilities annually with the accessibility and accommodations reported on for every facility. The Plan should focus on the removal of barriers for employees with disabilities.

Finally, I would recommend that this report be included in the 2013 Ministry Accessibility Plan.



## **Appendix**

1. Ministry of Attorney General 2011-12 Annual Accessibility Plan
2. Ministry of Attorney General 2011 Employment Engagement Survey Results
3. 2005 Weiler Report
4. Gaps Analysis Document





